

AGP-53. BALANCE OF PAYMENTS PROGRAM

- (a) This Article implements the Balance of Payments Program by providing a preference for domestic end products or services over foreign end products or services.
- (b) Definitions.
 - (1) "Components," as used in this Article, means those articles, materials, and supplies directly incorporated into the end products.
 - (2) "Domestic end product," as used in this Article, means:
 - (A) An unmanufactured end product mined or produced in the United States; or
 - (B) An end product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50% of the cost of all its components. Components of foreign origin of the same class or kind as those that NASA determines are not mined, produced, or manufactured in the United States in sufficient reasonably available commercial quantities of a satisfactory quality shall be treated as domestic. Components of unknown origin shall be considered foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic.
 - (3) "Domestic services," as used in this Article, means services performed in the United States. If services provided under a single contract are performed both in and outside the United States, they shall be considered domestic if 25% or less of their total cost is attributable to services (including incidental supplies used in connection with these services) performed outside the United States.
 - (4) "End product," as used in this Article, means an article, material, or supply acquired for public use under this Contract.
 - (5) "Foreign end product," as used in this Article, means a product other than a domestic end product.
- (c) The Contractor agrees that there will be delivered under this Contract only domestic end products or services unless, in its offer, it specified delivery of foreign end products or services in the provision entitled "Balance of Payments Program Certificate." An offer based on supplying a foreign end product or service, if accepted, will permit the Contractor to supply a product or service without regard to the requirements of this Article.
- (d) Offers will be evaluated in accordance with FAR paragraph 25.303(b), and any corresponding implementing or supplementing provisions in the NFS.